

REMARKS

Claims 1-33 are pending in the application.

Claims 1-33 stand rejected.

Claim 29 is amended

Double Patenting

Claims 1-33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-32 of copending U.S. Application No. 10/696,097. A “Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Patent” is being filed concurrently with this response with regard to Application No. 10/696,097 to obviate this rejection. Accordingly, Applicants respectfully request withdrawal of this rejection.

Rejection of Claims under 35 U.S.C. §103

Claims 1-3 and 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross Access Introduces SERIESfour; Offers Native, Fast, Scalable Legacy Data Connectivity For Data Marks, ERP Applications (hereinafter referred to as “Cross Access”). After careful consideration of the remarks made in the present Office Action, Applicants respectfully submit that Claims 1-3 and 9-11 are not rendered unpatentable by the combination of Cross and common knowledge, in view of the arguments herein.

As an initial matter, Applicants do not concede that the cited references in the present Office Action make obvious the claimed invention, as the cited references fail to teach all the elements of the claimed invention. Regarding independent Claims 1 and 9, nothing in the cited

passages of the combination of Cross Access, even with what is termed common knowledge discloses or renders obvious “extracting inventory transaction information in a first form that is associated with a first source computerized inventory management system; converting the inventory transaction information in the first form into inventory transaction information that is in a second intermediate form; and converting the transaction information in the second intermediate form into inventory transaction information in a target form that corresponds to a target computerized inventory management system.” (*emphasis added*) The present Office Action cites various paragraphs within Cross Access as allegedly disclosing the recited features of independent Claims 1 and 9.

For example, the present Office Action states (at page 4) that Cross Access discloses the transparent access of disparate data stores, the use of mapping and translation abilities of the system disclosed in Cross Access to forward data and metadata into common desktop applications without mainframe programming. Paragraph 4 of Cross Access. However, nothing in Cross Access or the common knowledge discloses or renders obvious the conversion of inventory transaction information in a first form to a second intermediate form, and further into a third target form. Those with skill in the art would not expect the combination of Cross Access and common knowledge to disclose the first, second, and third forms.

Cross Access, even in light of the skill in the art, taken in any permissible combination, fails to show, teach, or suggest such features. The combination of Cross Access and common knowledge is posited by the present Office Action to disclose the mapping of legacy data into a data mart or a new ERP application’s database. Even if this mapping, the legacy data and the data in the new ERP application’s database were comparable to the claimed invention elements (a point which Applicants do not concede), nothing in the combination of Cross Access and

common knowledge discloses or renders obvious a transformation of inventory transaction information to a second intermediate form, and later to a third target form. The combination of Cross Access and common knowledge does not disclose or render obvious each and every element of independent Claims 1 and 9. Thus, the combination of Cross Access and common knowledge does not render independent Claims 1 and 9 and all dependent claims unpatentable. Applicants respectfully request that the rejection be withdrawn.

Regarding the assertion of “common knowledge”, page 5 of the present Office Action merely asserts “it would have been obvious, at the time of the invention, to one of ordinary skill to conclude that Cross Access is middleware which converts or translates data from one form to another form in a manner equivalent to applicant’s invention.” According to the Manual of Patent Examining Procedure (MPEP) § 2144.03, “Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.” Furthermore, § 2144.03 also notes that “if Official Notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable.” Page 5 of the present Office Action does not show that the facts asserted to be common knowledge are capable of “instant and unquestionable demonstration as being well-known.” Also, there is no “clear and unmistakable” technical line of reasoning shown as to the decision to take such notice. In fact, page 5 merely asserts that that it would have been obvious to a person with ordinary skill in the art to apply the method of converting data shown in Cross Access to the claimed “inventory transaction information”, as recited in the independent claims. Since the present Office Action has not met the requirements for asserting “common knowledge” or taking “Official Notice” of a fact, the combination of

Cross Access and common knowledge is improper. Thus, the combination of Cross Access and common knowledge does not render independent Claims 1 and 9 and all dependent claims unpatentable. Applicants respectfully request that the rejection be withdrawn.

Claims 4-8, 12-20 and 29-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cross Access as applied to Claims 1-3 and 9-11 above, and further in view of Hughes, U.S. Patent No. 6,889,260 B1 (hereinafter referred to as “Hughes”). After careful consideration of the remarks made in the present Office Action, Applicants respectfully submit that Claims 4-8, 12-20, and 29-33 are not unpatentable over the combination of Cross Access, common knowledge, and Hughes, in view of the arguments herein.

Regarding dependent Claims 4-8 and 12-20, the present Office Action states that “Cross Access . . . is largely silent about the ERP data elements per se.” Page 5 of the Present Office Action. Applicants respectfully submit that, in fact, the references completely lack such a discussion. The present Office Action cites to various passages of Hughes as allegedly disclosing “an example of a metadata building process where application specific data definitions that define data elements are displayed to the user.” Page 5 of the present Office Action. Also, page 5 of the present Office Action states that Hughes further discloses the creation of a source-to-target mapping of a purchase order with various elements of a purchase order, the data conversion where incompatible data was transmitted, received and used by the target application.” However, Hughes fails to cure the infirmities extent in Cross Access, taken in combination with skill in the art, and taken in any permissible combination. Nothing in the combination of Cross Access, common knowledge, and Hughes discloses or renders obvious anything about the conversion of inventory transaction information from a first form, to a second intermediate form, and a target form. Hence, the introduction of Hughes into the combination of

Cross Access and common knowledge does not affect the patentability of independent Claims 1 and 9. Dependent Claims 4-8 and 12-20 are therefore patentable over the combination of Cross Access, common knowledge, and Hughes by virtue of their dependencies on independent Claims 1 and 9.

Regarding Claims 29-33, independent Claim 29 has been amended to recite features which are not disclosed in Cross Access, taken in combination with skill in the art.

As amended, independent Claim 29 recites the following features:

- instructions, when executed by the processor, for extracting inventory information in a first form that is associated with a first source computerized inventory management system;
- instructions, when executed by the processor, for converting the inventory transaction information in the first form into inventory transaction information that is in a second intermediate form;
- instructions, when executed by the processor, for converting the inventory transaction information in the second intermediate form into inventory transaction information in a target form that corresponds to a target computerized inventory management system; and
- a data structure for managing inventory, the data structure comprising
 - a list of inventory transactions class with a hierarchy of data elements, wherein
 - the hierarchy of data elements comprises a plurality of inventory transaction element, and
 - each of the plurality of inventory transaction elements is configured to store the inventory transaction information in the second intermediate form.

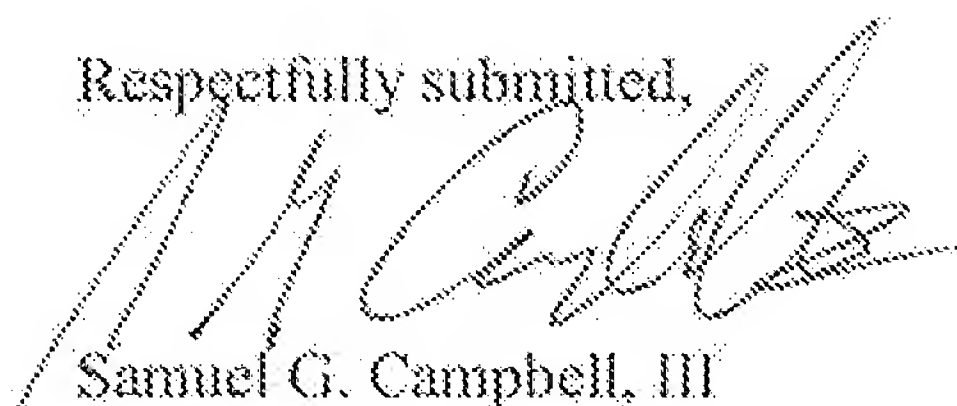
Hughes fails to cure the infirmities extant in Cross Access, taken in combination with skill in the art, even taken in any permissible combination. The abovementioned arguments regarding independent Claims 1 and 9 also apply to independent Claim 29. Nothing in the combination of Cross Access, common knowledge, and Hughes discloses or renders obvious anything about the recited first form, second intermediate form, and third target form. Independent Claim 29 and dependent Claims 30-33 are not rendered unpatentable by the cited combination. Thus, Applicants respectfully request that the rejection be withdrawn.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,



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